

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment- Cooperation Department- Gazetted officers- Sri P. Ravi Prakash, Additional Registrar of Cooperative Societies, Sri Potti Sreeramulu Nellore District- Request for Correction of date of birth- Rejected.

AGRICULTURE AND COOPERATION (COOP-II) DEPARTMENT

G.O.Rt No. 13

Dated: 04-01-2010.
Read the following:

1. Representation of Sri P. Ravi Prakash, Additional Registrar, Sri Potti Sreeramulu Nellore district, dated: 13.02.2009.
2. From the CC&RCS, Hyderabad Lr Rc No.13625/2009-SG1, dtd: 06.10.2009.

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ORDER:

Sri P. Ravi Prakash, Additional Registrar in his representation 1st read above, has stated that his father Sri Peddachappali Sunandana Rao married his mother Smt Rajamma and their marriage was registered at Central Registration Office, Chennai on 23.09.1952, and his mother given birth to him on 24-6-1954. He has further stated that his father is no more, his mother is sufficiently aged and as per his mother's information, his actual date of birth is 24.06.1954 where as it was erroneously entered as 24.06.1952 in the service records. He has also stated that the Registrar of Birth and Deaths, Kadapa Municipal Corporation has issued Date of Birth Certificate on 30-1-2009, according to which his date of birth is 24-06-1954. While enclosing a copy of above said Date of Birth Certificate, declaration given by his mother in Annexure-I & II in the affidavits has requested the Govt., to kindly consider his case and issue necessary orders conferring his date of birth as 24-6-1954.

2. The Commissioner for Cooperation and Registrar of Cooperative societies, AP, Hyderabad in his letter 2nd read above, while referring certain instructions issued by Government in Cir.Memo.No.20548/148/FR-I/2004, Finance(FR-I) Department dt. 13-10-2004, has requested the Government to issue appropriate orders in the matter.

3. The matter has been examined and it is observed that as per sub-rule 2(5) of the A.P.Public Employment(recording and alteration of Date of Birth) Rules,1984 issued in G.O Ms No.165, Finance Department, dated:21.04.1984 read with amendment issued in G.O.Ms No.94, Finance Department, dated:15.03.1994 the date of birth as determined on the basis of the school records or any proof produced at the time of entering into service and entered in the service record shall be final and no subsequent variation of date of birth in the school records for any reason, shall be relevant for the purpose of service and on that basis the date of birth entered in the service records shall not be altered except in the case of bonafide clerical error, under the orders of Government. The Sub-rule 4(2) of the said rules states that "no subsequent variation of the date of birth in the school records shall be relevant for the purpose of service nor shall such variation be a valid ground for ordering an alteration of the date of birth by any court, Tribunal or other authority". In view of the above rule position, the declaration of the mother of Sri P. Ravi Prakash, Additional Registrar and the date of birth certificate issued by the Registrar of Birth & Deaths, Kadapa Municipal Corporation, Kadapa on 30.01.2009, in the instant case cannot be taken in to consideration. Government further observes that the Hon'ble Supreme Court of India, in several cases viz., State of Punjab Vs V.S.C.Chandra reported in 2004(SCI) GTX-01202 AX, dt. 9-2-2004, Burn Standard Co.Ltd., V/s Dinabahdu Majumdar report in AIR 1995 SC 1499, Union of India V/s V.Harnam Singh AIR 1993 SC 1367 passed rulings against the claims of employees for correction of date of birth at the end of their services.

4. Government, after careful examination and also keeping in view of the sub-rule 2(5) of the A.P.Public Employment (Recording and Alteration of Date of Birth) Rules,1984 issued in G.O Ms No.165, Finance Department, dated:21.04.1984 read with amendment issued in G.O.Ms No.94, Finance Department, dated:15.03.1994, the request of Sri P. Ravi Prakash, Additional Registrar of Cooperative Societies for alteration of his date of birth deserves no consideration and hence rejected.

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5. The Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.KISHORE,
PRINCIPAL SECRETARY TO GOVERNMENT (AM&COOP)

To
The individual through the Commissioner for Cooperation and Registrar of Cooperative societies, A.P., Hyderabad.
The Commissioner for Cooperation and Registrar of Cooperative societies, A.P., Hyderabad.
The District Collector, Sri Potti Sriramulu Nellore District.
The G.A.(Ser.E) Department.
SF/SC.

//FORWARDED: BY ORDER//

SECTION OFFICER